

Parking Enforcement Policy

Version: 1.7

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1 Introduction

Harrow Council is committed to delivering an effective parking enforcement service. Good parking and traffic provision is vital for the economy of the Borough and for the convenience of residents and visitors alike. It must, however, be recognised that parking space and availability is directly linked to traffic volume, which is linked to both congestion and pollution. This policy outlines the current approach to parking enforcement.

Civil parking enforcement is a legal process. Parking enforcement is central to the council's overall approach to transport and has as its primary purpose, the achievement of traffic management objectives, through encouraging compliance with traffic regulations. Effective and appropriate enforcement assists the council in delivering its wider transport objectives. These key objectives, which are in line with the Harrow Transport Local Implementation Plan (LIP) and the Department of Transport guidance can be summarised as follows:

- Managing the safe and free movement of vehicles, pedestrians and cyclists
- Improving road safety
- Improving traffic flow to ease congestion
- Improving the local environment including air quality
- Maximising the use of parking space to balance the needs of road users, including residents, businesses and visitors
- Improving the movement and accessibility of public transport
- Meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car; and
- Managing and reconciling the competing demands for kerb space.

The aims of this policy are to:

- Communicate clearly the council's parking enforcement policy to motorists, who either reside, work in or visit the Borough
- Provide a clear guideline for civil enforcement staff to apply consistently
- Assist parking services in the decision making process, ensuring that consideration to parking matters demonstrate consistent high quality decision making
- Help ensure that a consistent approach is taken to initial advice and all parking matters by officers across the council
- Be proportionate and not undermine the vitality of town centres

This policy links directly to the council's corporate objectives of:

- Making a difference for Communities – for example by enforcing parking in key areas such as outside schools, thereby increasing safety for those who use the school.

- Making a difference for Local Businesses – for example, by enforcing loading bays so that business can access loading bays when they most need them.
- Making a difference for the Vulnerable - for example through enforcing footway parking and parking across lowered kerbs preventing sufficient access.

The term “enforcement” is used in this policy to mean “actions taken by council officers to prevent or rectify infringements of legislation”.

This policy sets out the general principles and approach, which Harrow Council will follow when enforcing parking legislation as the enforcing authority. This is to ensure an effective, consistent and clear approach. Going forward, it will also take into account future guidance issued by Government.

This policy is followed by the council and any person(s) or company acting on its behalf in the capacities above. Harrow Council ensures that all appointed officers are competent and trained in the use of this policy.

The Council’s overall strategy is to utilise technology as far as possible in delivering effective parking enforcement. This includes maximising the use of mobile CCTV vehicles and Automatic Number Plate Recognition (ANPR) to advise enforcement officers for those offences which are no longer enforceable by the use of CCTV. The council aims to synchronise its Controlled Parking Zone (CPZ) operational zones to increase efficiency of enforcement in geographical areas. In addition, the increase of enforcement officers will act as an additional deterrent in light of the non-use of CCTV for particular contraventions. The focus will also be on the reduction of complaints and appeals.

Disclaimer

The contents and policies contained within this document seek to clarify those areas where Harrow Council has discretion on regulations. It does not override the Traffic Management Act 2004 (TMA), Highway Code or any related regulatory framework. In the unlikely event that there is a contradiction the latest Department for Transport (DfT) and Secretary of State’s guidance takes precedence on statutory matters.

2 Background

As noted in national guidance, parking is very much a local issue. Central Government sets the framework but councils draw up policies and local regulations for their implementation and where they have the relevant powers, enforce them.

2.1 Policy Framework

Parking enforcement policy is an important element of overall transport and planning strategy. The regulations are a matter of direct interest to all motorists. As car ownership increases, demand for parking spaces intensifies.

Local parking controls are introduced in line with Government guidelines and also in accordance with the London Mayor’s Transport Strategy. The council in developing this policy also considers the West London sub-regional transport objectives, the London Plan, the Mayor of London’s Air Quality Action Plan and key council documents.

The legislative framework for councils to carry out parking enforcement changed to the Traffic Management Act 2004 (TMA) Part 6 on 31st March 2008, replacing parts of the Road Traffic Act 1991 (as amended) and the Local Authorities Act 2000 (as amended). The TMA was

introduced to improve public perception of parking enforcement by providing greater consistency of nationwide parking regulations and providing a fairer and more transparent system. Legislation covering bus lanes and moving traffic contraventions remain unchanged.

3 Delivering Positive Outcomes

As part of effective parking enforcement, the council is focused on delivering positive outcomes by:

- Encouraging a “customer focused” approach with residents, motorists, local businesses and visitors to the area
- Monitoring and publishing service standards
- Communicating clearly to motorists what regulations are in force and how compliance is to be achieved
- Adopting best practice on enforcement with a focus on being firm but fair and reasonable to motorists and others who live and work in the borough
- Ensuring consistency and transparency in the process for challenging and appealing penalty charge notices
- Implementing effective recruitment, retention and training practices to ensure professional and efficient parking enforcement throughout the Borough

4 The Principles of Enforcement

Harrow Council believes in firm but fair parking enforcement. This is informed by the principles of proportionality in applying the law and securing compliance; consistency of approach; targeting of enforcement action; transparency about how the council operates and what those regulated may expect; and accountability for the council’s actions.

4.1 Proportionality

Proportionality here means relating enforcement action taken to the risk¹ to health and the environment. Those whom the law protects and those on whom it places duties expect that action taken by Harrow Council to achieve compliance or bring businesses or individuals to account for non-compliance should be proportionate to any risks to health and the environment, or to the seriousness of any breach. This includes any actual or potential harm arising from the breach of the law.

In practice, in the event of limited resources, the council may target areas where the risk to health, the environment and traffic management objectives is most. For example, schools and town centres more than CPZs.

¹ In this policy, ‘risk’ (where the term is used alone) is defined broadly to include a source of possible harm, the likelihood of the harm occurring, and the severity of any harm

4.2 Targeting

Any enforcement action will be directed against those responsible for a breach. This may be businesses, residents or visitors to the Borough. Where several people have been identified in the act(s) of non-compliance, Harrow Council may take action against more than one when it is appropriate to do so in accordance with this policy.

4.3 Consistency

Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.

Individuals found to be carrying out similar activities can expect a consistent approach from Harrow Council in the use of enforcement.

Harrow Council recognises that in practice consistency is not a simple matter. Officers are faced with many variables including the degree of risk, the seriousness of any breach, which includes the persistence of the offence and any cumulative impact aspect. To maintain consistency, officers are trained to a required standard, activity is monitored and operational guidelines are followed.

4.4 Transparency

Transparency means helping people understand what is expected of them and what they should expect from Harrow Council. It also means making clear to businesses and individuals, not only what they have to do, but where relevant, what they should not.

Businesses and individuals also need to know what to expect from an officer and what rights of complaint are open to them. This is linked directly to the policies and procedures of the council, including the expectations placed upon officers in the conduct of their duties.

4.5 Accountability

Regulators are accountable to the public for their actions. This means that Harrow Council has policies and standards against which it can be judged. The council also has a mechanism for dealing with comments and handling complaints associated with enforcement. The full procedures for dealing with comments and handling complaints are available from Harrow Council.

5 Operational Arrangements

5.1 Managing Enforcement

Parking enforcement is implemented by civil enforcement officers using hand held technology as well as mobile and static enforcement cameras. Ensuring that the right level of enforcement is provided borough-wide is a complex process that requires regular reviews. It is important that the level of enforcement introduced at all locations is appropriate to what is necessary to achieve compliance. Visibility of enforcement officers is an important factor for enforcement and deterrent. Appendix A details the roles and responsibilities in relation to parking enforcement.

5.2 Civil Enforcement Officers (CEOs)

To run an effective parking enforcement operation, civil enforcement officers are trained to be professional and efficient. They must be able to be firm, but remain sensitive and tactful. Performance of enforcement officers in the borough is not based on the number of PCNs issued. The main objective of all civil enforcement officers is to ensure traffic and parking controls are observed and enforced in a fair, accurate and consistent manner. Their visibility

also acts as a deterrent for parking contraventions and as a reminder of drivers responsibilities.

5.3 Patrol Frequencies

Our parking enforcement team work between the hours of 7am to 12am Monday to Sunday. Enforcement is targeted to tackle the location needs as well as to help in the smooth running of all traffic but in particular buses. In general, busy town centre roads are patrolled more often than roads in residential areas. High frequency bus routes are also patrolled more often than other roads. The frequency of patrols in different areas is regularly reviewed to ensure that the aims of enforcement on the street are delivered.

5.4 Camera Enforcement

Moving traffic contraventions are enforced using closed circuit television (CCTV) and mobile units. CCTV enables these restrictions to be enforced correctly and even-handedly. CCTV contraventions are similar to any PCN that may be placed on a vehicle except that the PCN is sent by post to the address of the registered vehicle keeper. This activity is governed by the CCTV Code of Practice regarding use of cameras for enforcement. Recordings of contraventions enforced by CCTV are available for viewing in accordance with this Code of Practice and Data Protection Act requirements. The locations where CCTV is used are prioritised in order to concentrate on those locations that cause the greatest impact on traffic flow or the greatest inconvenience to other highway users.

As of 1 April 2015, following changes introduced as part of the Deregulations Act 2015, local authorities can only enforce parking restrictions by CCTV in the following instances:

- School keep clear markings
- Bus stop/stand clearways
- Red routes
- Bus Lanes

This legislation applies to parking restrictions only, so does not apply to moving traffic contraventions such as banned turns, box junctions, etc which can still be enforced.

All equipment associated with, and recorded information gathered by, the Harrow CCTV System is handled only by trained and authorised personnel. Each person having direct involvement with the system is issued with a copy of both the CCTV Code of Practice (as published by the Home Office) and the CCTV Procedural Manual. Only authorised staff operate the equipment located within the CCTV monitoring room. Authorised staff are always present when the CCTV monitoring and recording equipment is in use. In the event of authority being granted to the police to assume control of the CCTV system (in accordance with Section 7 of the CCTV Code of Practice), the Monitoring Room will continue to be staffed, and equipment operated by, only those personnel who are authorised and trained to do so.

Those individuals with a statutory responsibility to investigate alleged criminal offences may release details of recorded information to the media only in an effort to identify alleged offenders or potential witnesses. All electronic and written records which may be relevant to an investigation are retained until a decision is taken whether to institute proceedings against a person for an offence. Images are treated as “personal data” which has been “processed” by virtue of the CCTV system. Release of this data will be in accordance with the CCTV Code of Practice and the DPA. If released full details of circulation and publication (including dates) are recorded by the council.

5.5 Hand Held Technology

Hand held computers are carried by the civil enforcement officers and are used for the logging of Penalty Charge Notices (PCNs).

5.6 Mobile CCTV Automatic Number Plate Recognition (ANPR) Car

Mobile CCTV ANPR Cars are used by the council to detect various traffic offences, including outside schools. During school patrols they are used to issue PCNs. The newest generation 4 vehicles are able to use ANPR to identify vehicles parked in Controlled Parking Zones without the required permits. These vehicles operate in a spotting role. They do not stop, but they do call in a uniformed officer to check the vehicle and issue a penalty notice if appropriate. These vehicles can also be used for detecting moving traffic offences.

5.7 Permits and Tickets

In controlled areas or in designated locations eligibility to park is regulated through the issue of permits or tickets.

- **Residents Permits**

Residents living with a CPZ are eligible to apply for a resident parking permit unless their property is permit-restricted. A list of permit restricted properties is available on the council's website. Costs of resident parking permits increase for additional cars.

- **Business Permits**

All business permits are zone specific and allow business permit holders to park in permit bays in the zone of their issue. The council's website provides information as to which CPZs currently allow business parking permits. The cost of business permits vary between zones. Business permits are issued solely for business operational purposes. Applications for business permits are only considered from the business itself, applications from an employee are not accepted. Business permits are vehicle specific to avoid the possibility of misuse and fraud. Business parking permits are offered at a reduced rate for greener vehicles.

- **Pay and display tickets**

There are 4 different tiered cost rates for parking in pay and display bays. These are set according to the local extent of shopping characteristics, available car parks, existing public transport links and existing leisure facilities as set out by the London Plan's town centre network classifications and Harrow's Local Development framework. The bandings are Metropolitan Centre, Major Centre, District Centre and Local Centre. The charges will increase with the importance of the economic centre classification. This is because the mix, quality and quantity of retail outlets and community facilities available to the customer becomes more substantial and there is consequently a greater demand to park. Costs for each zone are shown on the council website.

- **Electronic tickets (cashless parking)**

Electronic tickets can be purchased using mobile phone technology thereby facilitating cashless parking.

5.8 How we deploy our resources

The deployment of resources is based on patrol beats covering all CPZs and Town Centres. Our On Street (foot & moped) resources are deployed to various beats that cover the parking restricted areas. We rotate the CEOs to a different beat on a daily basis to avoid familiarity. The mobile CCTV vehicles are deployed to different schools on a regular basis.

5.9 Authorisation of Officers

Before an officer of the council can carry out any enforcement duties, they must have achieved an appropriate qualification. Officers are then supervised by a senior officer to ensure they are competent to carry out the duties required.

6 Purpose and Approach to Enforcement

The purpose of enforcement is to:

- Ensure that individuals and businesses take action to deal immediately with failures of their duties,
- Promote and achieve sustained compliance with the law,
- Ensure that those that breach legal requirements are held to account, which may include bringing alleged offenders before the courts.

The use of civil enforcement officers, hand held technology, fixed and mobile enforcement cameras, appropriate regulations and suitable publicity are all vital components of any enforcement strategy.

Dangerous and inconsiderate parking affects the safety and convenience of both drivers and pedestrians and only through effective enforcement can this be addressed.

6.1 Clamping

In accordance with legislation, the council is not permitted to clamp vehicles. However, the council does notify Enforcement Agents of a cars whereabouts when a payment of a contravention remains outstanding. The outstanding debt is then notified to the County Court. Enforcement Agents have legal powers to clamp and remove vehicles and will do so unless the outstanding debt is satisfied by alternative means. Vehicles are clamped on roads in the borough when the Driver and Vehicle Licensing Agency (DVLA) carry out enforcement against untaxed vehicles. For works on the highway vehicles are re-sited where a Traffic Order is in place and people have been informed of the restrictions in advance. The council will also take steps to remove vehicles from the Public Highway that it has reason to believe have been abandoned. (See Abandoned vehicles section)

6.2 Bus lane enforcement

Harrow Council working with TfL is responsible for bus lane enforcement. Additional cameras are used for enforcement on bus lanes in the Borough. The council adheres to the CCTV Code of Practice. PCNs are issued by Harrow Council.

6.3 Parking across dropped kerbs

Part 6 of the Traffic Management Act 2004 allows the council to enforce against vehicles parking across dropped kerbs. The council uses these powers of enforcement at dropped kerbs e.g. at junctions throughout the Borough.

With regard to vehicle parking across household driveways, a Penalty Charge Notice can only be issued if requested by the occupier of the premises. This is to avoid incorrectly issuing PCNs to the owners and authorised visitors. Also the driveway must be on residential premises and not shared by other premises. There must also be an authorised dropped kerb.

6.4 Misuse of blue badges

Blue badges issued by the council remain the property of Harrow Council. If misuse is identified, the badges are taken away. If the criteria for the issue of the blue badge are no longer met, or if the badge holder dies, the badge must be returned to the council to prevent misuse. Joint operations between Harrow Council and the Police Safer Neighbourhood Teams are proactive in identifying disabled blue badge parking misuse.

The maximum fine for someone (at the time of writing) convicted of misusing a blue badge is £1,000 plus any additional penalty for the related parking offence. However, if the offender is prosecuted under criminal laws for fraud then the fine can be unlimited.

6.5 Abandoned vehicles

Abandoned vehicles are issued with a formal notice requiring the removal of the vehicle. This applies to both taxed and untaxed vehicles.

In general an abandoned vehicle will have one or more of the following:

- The windows have been broken or doors left open;
- It is clearly not being used, for example, it has dirty windows or debris inside;
- It is obviously a danger to the public; and
- It is causing an obstruction

If the vehicle remains unclaimed after the relevant time period, the vehicle is removed by the council's contractor. After the expiry of any valid road tax, class "A" vehicles – vehicles of no value- are immediately scrapped. In the case of class "B" vehicles – vehicles of some value – these are kept for 21 days before destruction.

6.6 Untaxed vehicles

The DVLA are responsible for dealing with untaxed vehicles. This is not a role carried out by enforcement officers.

6.7 Persistent Evaders

Persistent evaders are a growing problem across London. Persistent evaders are defined as individuals with three or more recorded contraventions for the vehicle. The penalties for these have not been paid, represented against or appealed against within the statutory time limits, or their representations and appeals have been rejected but they have still not been paid.

The majority of persistent evaders are vehicles that are not taxed and the DVLA have no current keeper recorded against them. The council will advise the DVLA of these vehicles and when requested by the DVLA, will provide statements to secure their prosecution.

6.8 Penalty Charge Notices (PCNs)

London Councils set the level of penalty charges applicable in Greater London; the Mayor of London has to approve them. PCNs issued by Harrow Council are in charge band B. The band relates to the charge for PCNs issued in the borough. The cost of PCNs in the borough is provided on the council's website. Harrow has two charge bands for parking contraventions and an additional band for moving traffic offences.

Higher level penalties apply to contraventions which are considered more serious, such as parking on yellow lines or where an obstruction is caused. Lower level penalties apply generally where parking is permitted but the regulations are contravened, such as overstaying on a pay and display bay.

6.9 Parking Revenue

Information on the parking and revenue account is available on the council's website. Parking revenue, the receipts from enforcement and on-street parking, are ring-fenced for use on transportation services and can only be spent on sustainable transport-related improvements within the borough or to help fund Freedom Passes for the elderly and those with mobility difficulties.

6.10 Obstruction of Officers

It is an offence to obstruct authorised officers in carrying out their parking enforcement roles. The council regards the obstruction of or assaults (physical and/or verbal) on staff whilst lawfully carrying out their duties as a serious matter. Instances of such will be referred to senior managers with a view to instigating legal proceedings against the perpetrator. Any threat or assault will not be tolerated.

7 Protocols

7.1 Grace Periods

From 6 April 2015, the law requires that a penalty charge must not be issued to a vehicle which has stayed parked in a parking place on a road or in a council car park beyond the permitted parking period for a period of time not exceeding 10 minutes. The grace period applies to on-street and off-street parking places provided under traffic orders, whether the period of parking is paid for or free. Any penalty charge issued before expiry of the 10-minute grace period would be illegal, unless the vehicle itself is parked unlawfully (e.g. where the motorist has not paid any required parking fee or displayed a parking ticket where required). Grace periods only apply to designated parking places where a person is permitted to park. A road with a restriction (e.g. single yellow line) or prohibition (e.g. double yellow line) is not a "designated" parking place either during – or outside of – the period of restriction or prohibition.

7.2 Out of order parking devices

If a pay-and-display machine is out of order (and parking has not been suspended and clearly indicated as such to motorists), motorists will not be issued with a penalty charge notice unless alternative means of payment were available to the driver and clearly indicated. Alternative means of payment include a pay-and-display machine nearby or the availability of a cashless payment system.

7.3 Removals

Removals for obstruction can only be carried out by the police.

7.4 Processing Penalty Charge Notices

In relation to the processing of penalty charge notices, for the avoidance of doubt readers should ensure they consult the Traffic Management Act 2004 and relevant Road Traffic regulations. These are available on www.gov.uk and the Department for Transport websites. There are variations according to the type of notice issued, whether; a parking contravention issued by either a CEO or a moving traffic contravention. For more detail on the administration of PCNs please refer to the separate Processing PCN policy.

7.5 Collecting penalty charges

The penalty charge is usually payable by the owner of the vehicle, unless the vehicle was hired at the time of the contravention. Harrow Council offers a range of facilities for paying penalty charges. When a penalty charge notice has been affixed to the vehicle the discount period is 14 days. When a penalty charge notice has been served by post using evidence from an approved device, the discount period is either 14 (for moving traffic contraventions) or 21 days (for on-street contraventions recorded by CCTV) from the date of service of the notice. This is clearly stipulated on the penalty charge notice.

Where a penalty charge is served on a vehicle with a diplomatic registration plate but no payment is received within 28 days, the council will not issue a Notice to Owner but will keep a record of the unpaid penalty charge. If requested by the Foreign and Commonwealth Office the council will provide details of all unpaid penalty charge notices.

7.6 Issuing the Notice to Owner

If the penalty charge is not paid the council may issue a Notice to Owner. The purpose of this is to ensure that the penalty charge notice was received by the vehicle owner and to remind the vehicle owner that the payment in full is now due and if it is not paid within a further 28 days it may be increased. The Notice to Owner may be issued from 28 days up until 6 months after serving the penalty charge. The council will specify on the Notice to Owner (or the penalty charge notice when served by post) the statutory grounds on which representations may be made.

7.7 Charge Certificate

The charge certificate tells the vehicle owner that the penalty charge has been increased and that action will be taken to recover the amount due through the county court if it is not paid within 14 days. If the penalty charge has not been paid 14 days after the charge certificate was served, the penalty charge is recoverable through the Traffic Enforcement Centre as a civil debt to the council. This is enforceable through a streamlined version of the normal civil debt recovery process. Additional costs will be payable at this stage to cover costs incurred by the Courts and Enforcement Agents.

Additionally, where a customer has bailiff action taken against them, under the Control of Good procedure, and they pay the PCN and bailiff fees but subsequently make a late witness statement to the TEC, which revokes the Order for Recovery, any bailiff fees already paid by this stage will not be recovered as they have been incurred legally. If however no bailiff fees have been paid, then the authority or the authority's bailiffs will not pursue collection of said fees as bailiffs will no longer have enforcement powers following the revocation of the order.

8 Parking and Traffic restrictions that apply in Harrow

8.1 Parking Management Strategy

The council's parking management strategy sets out how the different types of parking controls and charges on the public highway, car parks and council land are developed, designed and implemented. A brief description of the main types of parking restrictions are set out below.

8.2 Controlled Parking Zones

CPZs are in operation for areas experiencing conflicting demands for parking at certain times of the day or throughout the day. The controls used are a combination of: -

- Waiting restrictions (yellow lines)
- Loading restrictions (kerb blips)
- Zig-zag markings (pedestrian crossings, schools, hospitals)
- Permitted parking places
- Parking for permit holders
- Pay and display bays
- Loading bays
- Disabled persons parking bays

Traffic signs are situated at the access points to a CPZ showing the hours of operation.

8.3 Controlled Parking Places

The council introduces limited time on-street controlled parking places. For example, primarily around busy local shopping parades for the benefits of shoppers, hospitals and train stations in the form of pay and display parking bays. The control usually involves limiting vehicles to a maximum stay to achieve good turnover of spaces.

8.4 Pedestrian Crossing (zig-zag) markings

The council (as a Highway Authority) is required by law to install zig-zag markings at all controlled crossings. The markings prevent any vehicle from stopping or parking (other than when impeded by traffic).

The purpose of the restrictions is to protect sight lines for motorists (seeing pedestrians on or about to proceed on the crossing) and pedestrians seeing approaching vehicles. They assist in the creation of a "safe place to cross".

The council takes enforcement action against vehicles that park in breach of these regulations.

8.5 School "Keep Clear" Markings

Harrow Council has introduced "keep clear" markings outside most schools in the borough. The purpose of the markings is to:

- Maintain sight lines for children crossing the road to and from school

- Maintain good access for emergency vehicles
- Prevent any vehicles from stopping

The council actively enforces these restrictions, during term time, the start of school, lunch time and at the end of the school day. The council will issue PCNs to any vehicle seen on a school keep clear marking even when the driver is present.

8.6 Dropped Kerbs

It is important for pedestrians, particularly the elderly, people with disabilities and parents with pushchairs to be able to cross the road safely. Section 86 of the Traffic Management Act 2004 allows the council to enforce against vehicles that block dropped kerbs.

The council provides dropped kerbs to assist pedestrians and to allow vehicles to leave and join the carriageway. Any dropped kerbs specifically to accommodate pedestrians or vehicles will be enforced.

The council enforces against any vehicle parked adjacent to pedestrian dropped kerbs.

Where a dropped kerb is to a single residential property the council can only enforce with the consent of the occupier of that property, providing no other restriction applies. Enforcement action will only be carried out when requested by a resident with a vehicle crossover to their property. Where dropped kerb access leads to a multi-residential property the council can enforce without the consent of the occupiers of the property.

8.7 Parking on footways, verges and vehicle crossings

Unauthorised parking on footways, verges and vehicle crossings is not permitted in Harrow unless specifically exempted by the council. Unauthorised parking is a hazard to other drivers, antisocial, forces pedestrians to use the carriageway and causes obstruction. Civil enforcement officers enforce against parking on footways, verges and vehicle crossings.

8.8 Waiting Restrictions

Single and double yellow lines indicate that waiting restrictions are in place. "Single yellows" indicate a restriction that applies to any period less than 24 hours. A time plate shows the times of controls unless the restriction is in a CPZ and the hours of operation coincide with the CPZ operating times. Double yellow lines operate 24 hours a day all year. A time plate is not required. Waiting restrictions are used to facilitate road safety by keeping sight lines clear at junctions. They also facilitate commercial activity by "reserving" space that can be used for loading and unloading for a maximum period of 40 minutes. In addition by preventing parking that would obstruct traffic flow they help to reduce congestion.

8.9 Loading Restrictions

The council uses loading restrictions in conjunction with waiting restrictions. This removes the ability to load and unload which is permitted on yellow lines as outlined above. This prevents stopping by vehicles that would normally be allowed to park on yellow lines such as blue badge holders. In general, loading restrictions are introduced in areas or at times where such loading would be obstructive or dangerous or would increase congestion and delays during peak traffic periods.

As noted in the Traffic Management Act, loading restrictions are denoted by yellow kerb markings placed on the kerb at right angles to the kerb. A single kerb marking indicates that

the restriction operates less than 24 hours and a double indicates 24 hours, 365 days a year. A time plate indicating the hours of the restriction must always be shown, even if the hours coincide with those of the CPZ or are in 24 hour operation over 365 days of the year.

Stopping for the purpose of loading and unloading goods is permitted on a waiting restriction (where no loading restriction is present) for up to 40 minutes providing it is continuous.

8.10 Regulations in force at council car parks

The council has put in place Traffic Management Orders (TMOs) to control the use of “off-street” car parks, specifying the opening times, charging hours, permitted class of vehicle, maximum length of stay and scale of charges for each car park. The TMOs also include regulations relating to pay and display tickets.

8.11 Moving Traffic

Moving traffic contraventions are enforced by CCTV. In locations which are enforced using CCTV, there is no legal requirement to display CCTV enforcement warning signs.

From June 2004, Transport for London (TfL) took responsibility for enforcing certain moving traffic infringements on all of London’s major roads (under the Local Authorities and Transport for London Act 2003). Under the same Act, the council adopted powers to enforce moving traffic infringements from July 2006.

Under the legislation examples of what is enforceable include:

- Banned turns (left, right, U-turn)
- Directional signs (i.e. one-way traffic)
- Vehicle prohibitions (i.e. no motor vehicles)
- Pedestrian zone signs
- Routes restricted to certain vehicles (blue, circular signs)
- Yellow box junction
- Weight limit restrictions

Full details are available on the London Councils website – www.londoncouncils.gov.uk. The council conducts enforcement either via static CCTV cameras (in main roads and at box junctions) or via mobile CCTV recording the offences by the roadside.

8.12 Bus lanes

Bus lanes are signposted with the restrictions that apply. Under current legislation, bus lane infringements can be enforced using either CCTV equipment or CEO enforcement.

8.13 Signs and Lines

Signs and lines must be legally compliant, well maintained and regularly checked. The Traffic Signs Regulations and General Directions specify in precise detail the signs that must be used to indicate parking restrictions. Where there is an unusual or non-standard type of restriction, the Department for Transport is requested to specifically authorise each sign and in some cases its location.

9 Parking Regulations

The TMA 2004 defines the objectives for which parking regulations can be introduced. These can be summarised as:

- Safety
- Minimising congestion and journey time delays
- Management of the kerb space where demand for parking exceeds supply
- Maintenance of access to premises

The council enforces parking, waiting and loading restrictions within the borough unless the road is part of the Transport for London (TfL) Road Network. The parking regulations enforced by the council fall into two groups:

- Those that apply nationally or within London and
- Restrictions applied by the council which have been made through TMOs.

As part of the parking regulations a distinction is made between “prohibited” and “permitted” parking.

As noted by the Department of Transport, prohibited parking – relates to regulations introduced for safety reasons, likely to be in the form of yellow lines or “school entrance-keep clear” markings. As noted by the Department of Transport, permitted parking – may include pay and display bays and residents’ zones which are all symptomatic of areas where demand exceeds supply. These give priority to particular groups of motorists, e.g. residents and persons with disabilities or forms of parking such as short stay or loading bays.

Parking restrictions enforced by the council are primarily introduced by the making of Traffic Management Orders (TMO), the local regulations that determine parking restrictions in the borough.

10 Application of the regulations

Most of the restrictions that the council can enforce are defined by Traffic Management Orders, examples of which are detailed below:

- Bus lanes
- No waiting (single and double yellow lines)
- School keep clear marking
- Pedestrian crossing zig-zag marking
- Controlled Parking places

- Parked adjacent to dropped kerbs
- Parking contraventions in permitted parking bays or in restricted areas
- Where parking is prohibited, apart from emergencies or circumstances beyond motorist control
- No loading or unloading (kerb blips used in conjunction with yellow lines)

The council may introduce a Controlled Parking Zone (CPZ) when parking demand greatly exceeds supply.

As noted in the TMA, a CPZ has the following elements: -

- The creation of controlled parking places
- The introduction (or extension) of permit schemes
- Possible restrictions on the type of vehicles that can use the controlled parking spaces (such as height and length of vehicles)
- The introduction of some control (waiting/loading/zig-zag) on all kerb space not designated a permitted parking place

11 Legislation

Civil parking enforcement is a legal process. The Future of Transport White Paper, published in July 2004, sets out a long-term strategy for a modern, efficient and sustainable transport system backed up by sustained high levels of investment over 15 years. As noted by the Department for Transport, effective management of the road network is a key part of this.

The legislative framework for councils to carry out parking enforcement changed to the Traffic Management Act 2004 (TMA) Part 6 on 31st March 2008, replacing parts of the Road Traffic Act 1991 (as amended) and the Local Authorities Act 2000 (as amended). The TMA was introduced to improve public perception of parking enforcement by providing greater consistency of nationwide parking regulations and providing a fairer and more transparent system. Legislation covering bus lanes and moving traffic contraventions remain unchanged. The TMA has also brought consistency to parking enforcement regulations for London and non-London councils. The TMA 2004 imposes an explicit duty on councils to manage their network so as to reduce congestion and disruption and to appoint a traffic manager. The Act also provides additional powers to do with parking, including increased scope to take over the enforcement of driving and parking offences from the police.

The regulations in part 6 of the Traffic Management Act 2004 largely replicate those contained in the Road Traffic Act 1991 (as amended) and London Local Authorities Act 2000 (as amended). The Traffic Management Act 2004 strengthens the requirements for councils to have consistent and transparent enforcement policies.

The parking regulations as prescribed by the 1991 Road Traffic Act and consolidated in the Traffic Management Act 2004 decriminalised parking contraventions, which means that they are no longer dealt with under Criminal Law in the Magistrates Courts but come under the jurisdiction of the Civil Law. In effect, the Act gave powers to Local Authorities to enforce parking restrictions, previously the responsibility of the Police (traffic wardens).

12 Suspensions, Dispensations and Exemptions

Suspensions, Dispensations and Exemptions have specific meaning when it comes to Parking Regulations, not only in relation to CPZs but more generally.

12.1 Suspensions

Having introduced or “designated” a permitted parking space it may be necessary to suspend it for a short time.

Alternative parking arrangements are not normally made as most suspensions are relatively short in duration. However, in the case of major suspensions (e.g. Affinity Water mains Replacement Program) alternative parking provision is considered. Civil enforcement officers enforce as per the suspension board.

Any vehicle parked in a suspended parking bay that is not registered to use the bay will be issued with a PCN and may be authorised for removal.

A vehicle displaying a blue badge, parked in a suspended parking place, will receive a PCN and may be relocated to the nearest safe and legal parking place.

12.2 Dispensations

A “dispensation” is short for “dispensation from the waiting and loading restrictions”.

A dispensation from the waiting and loading restriction can only be granted where there is no alternative.

The London Health Emergency Badge (HEB) scheme allows doctors, nurses, midwives and health visitors engaged in urgent or emergency health care in (but not routine visits to) a patient’s home to park where there is no alternative:

- Without payment
- In residents’ or other reserved parking bays; and
- On yellow lines where loading and unloading is not prohibited (as long as there is not a serious obstruction or other endorse able offence)

12.3 Exemptions

Exemptions from the regulations are contained within the TMOs. These are designed to ensure that necessary commercial activities can continue and to accommodate various situations or activities.

The council’s TMOs currently grant exemptions to the following classes of vehicle use: -

- Emergency services vehicles e.g. police, ambulance and fire, whilst on official duties
- Buses providing a London Bus Service whilst waiting at a bus stop/stand/terminal and taxis waiting at a cab rank
- Post Office whilst engaged in picking up or delivering postal packets
- Gas, water, electricity and telecommunications providers whilst the vehicles are being used in connection with works on the highway or in emergency situations

There are also exemptions that apply to any vehicle, but only in certain circumstances:

- Those displaying a valid blue badge
- A vehicle stopping to allow someone to board or alight from the vehicle
- A vehicle prevented from moving due to circumstances beyond the driver's control
- Loading and unloading

13 Challenges, Representations and Appeals

The vehicle owner may dispute the issuing of a PCN at three stages:

- Owners may make “informal challenges” or “informal representations” against the penalty charge before the council has served a Notice to Owner
- Once a Notice to Owner has been served, an owner may make a formal representation to the authority; and
- If a formal representation is rejected the owner may appeal against the Notice of Rejection to an independent adjudicator.

Harrow Council aims to resolve any dispute at the earliest possible stage. It will give challenges and representations impartial consideration. The council has a discretionary power to cancel a penalty charge notice at any point throughout the process. Under general principles of public law, the council has a duty to act fairly and proportionately and seeks to exercise discretion sensibly and reasonably and with due regard to the public interest. Should we receive a request for exercising discretion we will look at each case individually, assessing the merit of each case.

13.1 Notification of the outcome of representations

Once the council has come to a decision about a representation, it will promptly tell the person making the representation what it has decided to do and why. If the council rejects the representation, it will serve a notice of rejection stating that it will issue a charge certificate unless the penalty is paid or an appeal made to an adjudicator.

The council will give the owner clear and full reasons for its decision on a representation, in addition to the minimum required information. If, following an unsuccessful representation, the council decides to offer a new discount period for prompt payment, it will set out the dates of this period in the Notice of Rejection.

13.2 Adjudication

Adjudicators are not appointed by the council and are wholly independent. They have a judicial position. If the council rejects a formal representation, the person who made the representation has the right to appeal to an adjudicator within 28 days of the date of service of the Notice of Rejection. An adjudicator has the discretion in appropriate circumstances to consider an appeal made after 28 days. The grounds for appeal are the same as those for formal representations and are set out in the Regulations. (SI 2007/3482 Regulation 13 and Schedule, Paragraphs 7 and 10). Appeals for penalty charge notices follow the statutory process.

If an adjudicator allows the appeal, s/he may make such directions to the council s/he considers appropriate for the purpose of giving effect to the decision, most usually to cancel the penalty charge notice, the Notice to Owner and refund any sum already paid in respect of the penalty charge. The council must comply with this direction.

The adjudicator's decision is final, subject to the power of adjudicators to review a decision. No further challenges can be made other than on a point of law through an application to the High Court for judicial review.

Under the London Local Authorities and Transport for London Act 2003 if a motorist pays an Enforcement Agent in full prior to filing a Statutory Declaration/Witness Statement and the Environment and Traffic Adjudicator (ETA) decide that the PCN should be cancelled, the Council is only liable in law to refund the PCN amount and not any Enforcement Agent costs.

13.3 Complaints and Appeals

Anyone who is dissatisfied with enforcement actions that a Civil Enforcement Officer has taken will have their concerns investigated by the service manager parking enforcement. Should a person feel that they have not caused an offence or the parking enforcement was incorrectly served, they can write to the service manager parking enforcement stating the reasons. This will be taken into consideration but does not mean that further formal action won't be taken if the reasons are not justified and payment is not made. If the complaint relates to the conduct of the officer, rather than the actual offence being reported, the enforcement services will then follow Harrow Council's complaints procedures to deal with complaints and send a full written reply within 10 working days. Dissatisfaction with an outcome of a representation is dealt with by the statutory appeals process.

Any complaint about the conduct of a Civil Enforcement Officer will be immediately notified to the line manager of the officer concerned, who will make a judgement on what action will be taken. An officer will not automatically be withdrawn from any case by virtue of a customer complaint. The line manager will consider the complaint and assess if the officer has acted outside their remit and / or has acted unprofessionally towards the business concerned. All complainants will be advised of their recourse to the councils Corporate Complaint system. Stage 1 will be investigated by the line manager in line with the above. Stage 2 will be carried out by the service manager.

Should further complaints be made by a business / individual against an individual officer and no corporate complaint submitted, a decision will be made by the line manager whether to send an additional officer on future visits to ensure:

- Verification of the officers' actions; and
- Protection for the officer should the complaints be made for reasons of intimidation

This decision will be documented in the case file as well as on the database system.

The withdrawal of any legal action taken by an officer will not be entertained based solely on a complaint regarding the officer, as recourse is available through the appeal process, unless evidence is available to demonstrate the legal action does not meet the requirements set out in this Policy.

14 Partnership working

This policy relies on strong partnership working. The council aims to work with the following key partners in delivering the policy:

- The Police
- Police Community Support Officers (PCSOs)
- Neighbouring councils
- Harrow Town Centre Business Improvement District (BID)
- Resident Associations
- Motorists
- Other traffic authorities (including the Highways Agency)
- The DVLA
- London Councils
- Traffic Enforcement Centre (TEC)
- Parking, Traffic and Appeals Service (PATAS)
- Environment and Traffic Adjudicators (ETA)
- Road User Charging Adjudicators (RUCA)
- Council Contracted Enforcement Agents

15 The Storing and Disclosure of Information

Information collected or recorded as part of the council's enforcement activities will be securely retained in a paper and/or electronic format for a period defined by legislation or required for future reference by the service. This information will include decisions taken about the choice of enforcement options.

The identity of a person providing the council with information about other people committing crime, will remain confidential unless prior agreement by the person is obtained, or its disclosure is authorised by law or by a court of law.

Personal data held manually or as computer records will be handled in accordance with the Data Protection Act 1998 (DPA). This information will be used in accordance with the council's DPA registration. Exemptions to this include where information is disclosed to other agencies or used for another reason for the purposes of detecting or preventing crime. This will include the sharing of information between council services and with the police and other enforcement agencies. Sharing of information relating to the Crime and Disorder Act will be undertaken in accordance with the appropriate information sharing protocol.

Right of access to information held by the council will be given on request, in accordance with the Freedom of Information Act 2000 and Environmental Information regulations 2004 unless the information is already publically available (as described in the council's Publication Scheme). Some exemptions to the council can be found in the Act, Regulations and the council's publication scheme.

16 Monitoring and Review

This policy will be reviewed within two years of its implementation. The review will highlight successes as well as areas for improvement and how effective the policy has been in achieving its objectives. Reviews will also seek to introduce where necessary any new powers

granted to local authorities in managing parking enforcement. The review will include measures such as:

- Complaints statistics
- Compliance statistics
- Number of appeals
- Number and type of contraventions
- Localised impact on road safety and congestion
- Number of removals
- Percentage of representations and other correspondence answered within a specified time

17 Amendments to this Policy

As may be necessary, for instance with the issuing of new guidance by Government, amendments will be made to this parking enforcement policy. Should such amendments not deviate away from the overall spirit, they will be attached through an amendment document rather than the re-issuing of the parking enforcement policy as a whole.

Any matters of legal doubt will be assessed by the council's legal section, prior to coming into place, where there is no clear-cut guidance, case law or precedent.

18 Definitions

ANPR – Automatic Number Plate Recognition

CEA – Civil Enforcement Area

CEO – Civil Enforcement Officer

CCTV – Closed Circuit Television

CPE – Civil Parking Enforcement

CPZ – Controlled Parking Zone

CC – Change Certificate

DfT – Department for Transport

DVLA – Driver and Vehicle Licensing Agency

ETA – Environment and Traffic Adjudicators

NtO – Notice to Owner

NoR – Notice of Rejection

PATAS – Parking and Traffic Appeals Service

PCN – Penalty Charge Notice

RUCA – Road User Charging Adjudicators

TEC – Traffic Enforcement Centre

TfL – Transport for London

TMA – Traffic Management Act

TMO – Traffic Management Order

VRD – Vehicle Registration Document

19 Appendix A – Roles and Responsibilities

The Parking functions across the council are covered by three main teams.

Parking and Network Management

Construction of vehicle crossings/dropped kerbs

Maintenance of signing and lining borough-wide

Car Park management/maintenance

- On-street/off-street pay and display machine maintenance

On-street and off-street parking enforcement

- CEOs (issuing PCNs)

CCTV

- Enforcement of moving traffic contraventions
- CCTV camera enforcement

Traffic and Highway Asset Management

- CPZs (design and implementation)
- Traffic Safety Schemes (design and implementation)
- Permanent Traffic Orders
- Disabled Bays (design and implementation)

Collections and Benefits

- PCN processing
- Debt Collection (unpaid PCNs)
- PCN appeals
- Resident permit administration/processing

20 Appendix B - ACTION PLAN

| The Action Plan reflects actions recommended to date to meet identified issues. Budget implications will be confined within the Directorates finances. | | | | | | | | |
|--|-----|---|------------|---------------------------------------|---|--|------------|----------|
| No. | Ref | Action | Dependency | Action by | Expected Outcome | Budget | Start Date | End Date |
| 1 | | When a review of CPZs is undertaken, discussions with parking enforcement will take place to optimise the efficient use of CEOs | | Traffic and Highways Asset Management | Better deployment of resources Better enforcement of zones | Initial cost to be determined but in the longer-term efficiencies to be gained | 2016 | tbc |
| 2 | | Increase enforcement capacity to cover the areas of restriction as set out in the Deregulation Act | | Parking and Network Management | To increase deterrence | Contained within current budget | 2015 | 2015 |
| 3 | | Review the sharing of information between Parking and Collections and Benefits to make it more effective | | Parking and Network Management | More effective and streamlined management of information | Contained within current budget | 2015 | 2016 |
| 4 | | Review the successful appeals and complaints to identify patterns and trends | | Parking and Network Management | Reduction in number of appeals and complaints | Contained within current budget | 2015 | 2016 |

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